

DEC 19 2012

CC Docket No. 02-6

FCC Mail Room

Request for Review

December 17, 2012

On November 21, 2012, USAC denied an appeal of a 486 that we filed for funding year 2010. We are requesting that the FCC review that decision. The reason USAC stated for its decision was that we had filed a 486 after the deadline. The 486 that USAC made the judgment on, however, was an electronic filing that USAC instructed us to file. There was actually a paper 486 that was filed before the deadline and that was never recorded by USAC. It was when we questioned USAC about the paper 486, we were instructed to complete an electronic version after the deadline. We consequently believe that we met the deadline and that we were faulted for following instructions that were given to us. Following is a chronology that led to this appeal.

On January 23, 2010, we filed a 471 for funding year 2010. Included in that 471 were contracted services provided by Jetbroadband. In June, 2010, Jetbroadband sold its company to Shentel. We filed a request for SPIN change for year 2009 (22-184762), and the request was granted within weeks. We, however, could not request the same change for year 2010 because the 471 was still under review and would continue under review until early 2012.

The Funding Commitment Decision Letter that we eventually received was dated March 28, 2012, over two years after filing the 471. On April 1 we requested the same SPIN change to cover year 2010 (22-351705). In that request, we even referred to the earlier decision made for year 2009, hoping to expedite the new request. For some reason, however, this request took longer to be approved. Knowing that we had until August 26 to file our 486, we repeatedly questioned by email and by phone to see if we were delinquent in providing enough information for approval and was always assured everything was fine. Nevertheless, the approval of this SPIN request was not received until after the deadline for filing a 486.

On August 1 we received notification that we were approaching the deadline and would lose funding if we didn't act. We immediately requested instructions on how to proceed (22-399015) and were told to file a paper copy of the 486. By doing so, we understood that "This will preserve the postmark date so that you do not lose funding. We will keep the 486 on hold until the spin change processes and if it is approved, we will complete and certify the 486." On March 8, we did that, and mailed the documents by FedEx so that we could track the package and have a record that it had been received by USAC. Because we were concerned about the unusual situation we even included a cover letter to make sure that USAC understood why we were filing a paper copy. I have attached both a copy of the cover letter and the tracking record from FedEx. We never received any notification from USAC about the documents being received, recorded or any actions or decisions made about the 486. We were not concerned, however, because we had the FedEx records that indicated the documents had been received. Plus we thought we wouldn't get anything until after the SPIN request was approved.

On September 7, we received a Revised Funding Commitment Decision Letter that indicated approval of the SPIN change. I waited for the acknowledgement of the 486 being certified so I could then file a BEAR. On October 4, I received correspondence that the Form 486 had not been filed. I called SLD support to inquire about the situation. When I said that the paper copy was sent, the operator could find no copy or record of receipt. I cited the FedEx tracking that showed it had been signed for on a date prior to the 120 day requirement. Finally, she

suggested that, to solve the issue, I should certify a 486 on-line based on the revised FCDL which I did and again felt I was on track.

On October 24, we received the 486 notification letter denying funding because the electronic 486 had failed to meet the 120 day deadline. On October 28, I called SLD support (22-430092) and had a lengthy and confusing conversation in which I tried to piece the chronology for the operator, and in which she repeatedly had to leave the phone to talk with a supervisor. I kept pressing for information about what happened to the paper 486 and was told there was no record. I cited the FedEx documentation and the earlier instructions from SLD to file electronically. Finally after approximately an hour, I was told I had made an error on the paper 486 by using an incorrect FRN; consequently, the paper copy was rejected. Thinking I had made the error, I ended the conversation. Afterwards, however, there were some concerns that made me appeal the decision to USAC. Throughout the conversation I was told there was no paper 486 and then was told at the end that I had made the error on that very document. In my rush to mail the 486, I didn't make a copy, so I couldn't verify the error. On the cover letter I sent with the 486, however, I had the correct information and that was the document I used to complete the 486. Finally, why did we not receive something earlier if the 486 was rejected? Every time we have ever sent anything to USAC, there is always an acknowledgement and/or a decision made about the document. We received nothing concerning the paper 486.

I hope this chronology shows that all along the process, we tried to comply with the Erate regulations. When uncertain, we contacted USAC to get clarification, and we made a honest attempt to follow the instructions we were given. We feel that there were two problems that made this a difficult and unusual situation. One was the inordinate amount of time that it took to approve the 471 and especially the SPIN change request—whereas the same request earlier had already been approved quickly. That is what threw us into conflict with the deadline date. Secondly, the paper 486 that would have met the deadline was never recorded or certified. We may have been at fault for never questioning why we had not received an acknowledgment of the 486, but we had documentation that the documents had been received. So once again, we were under the impression we had done what was requested of us to do and that we had proof of doing so.



William B. Skinner
Erate Facilitator
Campbell County School Dist
684 Village Hwy, PO Box 99
Rustburg, VA 24588
Phone: 434-525-3748
Fax: 434-528-1655
bskinner@campbell.k12.va.us
BEN 126642
Funding Request Number: 1977295
Form 471 Application Number: 731089

August 8, 2012

Attached is the paper form of our 486 for FRN 1977295, 471 Appl #731089. On April 1, we filed 1 for a SPIN change (22-351705) for these services but that SPIN change has not been approved yet. Our instructions (22-399015) were to file this paper copy to meet the deadline for the 486. Included below are copies of the request for the SPIN change and the SLD's response on how we were to satisfy the deadline for filing a 486 by submitting this paper form.

**William B. Skinner
Campbell County School Dist
BEN: 126642
434.525.3748
bskinner@campbell.k12.va.us**

SLD Inquiry #: 22-351705 Received

From: <sldnoreply@sl.universalservice.org>

To: <bskinner@campbell.k12.va.us>

Date: Sunday - April 1, 2012 12:50 PM

Thank you for using Submit a Question. This message serves as a receipt confirmation of your submission. The case number for your submission is 22-351705.

Please refer to this case number in subsequent contacts regarding this issue. Note that we may need to ask you for additional information to completely answer your question or fulfill your request.

If you still have questions about this issue after you review our response, please call us at 1-888-203-8100. Please do not reply to this message or to our response, as replies go to an unattended mailbox.

If you have a new question or issue, please submit another question and we will create a new case number to address it.

If you need program information, you can visit the SLD web site at www.usac.org/sl.

Thank you.

Following is the information you submitted:

*[FirstName]=William [LastName]=Skinner [JobTitle]=Erate Facilitator
[EmailAddress]=bskinner@campbell.k12.va.us [WorkPhone]=4345253748 [FaxPhone]=4345281655
[PreviousCaseNumber]=0 [FormType]=Spin Changes [Owner]=SPINCHANGES [DateSubmitted]=4/1/2012
12:36:57 PM [AttachmentFlag]=N [BenOrSpinNumber]=126642 [ApplicantName]=Campbell County School Dist
[ApplicationNumber]=731089 [FRN]=1977295 [OldSPIN]=143030957 [NewSPIN]=143033629
[Question2]=Please refer to case #22-184762. This is a continuation of the change of service provider that
necessitated a SPIN change for funding year 2009. Unfortunately as you can see from the date of the request, we
had already submitted funding year 2010 before we were aware of the change with the service provider. As our
2010 has just been approved, we are now requesting the same SPIN change for 2010.*

RE: Initial Contact 22-399015

From: <sldnoreply@sl.universalservice.org>

To: <bskinner@campbell.k12.va.us>

Date: Monday - August 6, 2012 10:53 AM

Thank you for your inquiry. In order to meet your deadline for the 486, you will need to fill the form out by paper. In Block 3 enter the new spin that you have requested. When you mail the form include a copy of the spin change that you submitted earlier. This will preserve the postmark date so that you do not lose funding. We will keep the 486 on hold until the spin change processes and if it is approved, we will complete and certify the 486.

If you have any further questions, please feel free to contact our Schools and Libraries Helpline at 1-888-203-8100. Please remember to visit our website for updates: <http://www.usac/org/sl>

Thank you,
Schools and Libraries Division
Universal Service Administrative Company

-----Original Message-----

From: bskinner@campbell.k12.va.us
Subject: Initial Contact

[FirstName]=William
[LastName]=Skinner
[JobTitle]=Erate Facilitator
[EmailAddress]=bskinner@campbell.k12.va.us
[WorkPhone]=4345253748
[FaxPhone]=4345281655
[PreviousCaseNumber]=0

[FormType]=Other
[Owner]=TCSB
[DateSubmitted]=8/6/2012 10:12:05 AM
[AttachmentFlag]=N[Question2]=We just received notice that our 486 for FRN 1977295 (471 Application 731089) needs to be filed within the next 2 weeks to avoid the deadline and the lost of funding. We filed a request for SPIN change (22-351705) on April 1 regarding this FRN, and we haven't heard anything yet. Do we need to file something to request an extension of this deadline for filing the 486?



585734515080559

Thur 8/09/2012
LYNCHBURG VA US



Delivered
Signed for by RBROOKE

Mon 8/13/2012 7:41 am
LAWRENCE KS US

Travel History

Date/Time	Activity	Location
8/13/2012 - Monday		
7:41 am	Delivered	Lawrence KS
6:12 am	On FedEx vehicle for delivery	Lawrence KS
6:02 am	At local FedEx facility	Lawrence KS
8/10/2012 - Friday		
11:29 pm	Arrived at FedEx location	Lawrence KS
5:42 am	Departed FedEx location	Hepnersville MO
1:11 am	Arrived at FedEx location	Hepnersville MO
8/09/2012 - Thursday		
9:41 pm	Left FedEx origin facility	Salem VA
9:49 pm	Arrived at FedEx location	Salem VA
6:00 pm	Picked up	Salem VA
10:56 am	In FedEx possession	Lynchburg VA
10:56 am	Shipment information sent to FedEx	

Local Scan Time

Shipment Facts

Tracking number	585734515080559	Service	FedEx Ground
Weight	0.2 lbs	Total pieces	1
Packaging	Package		